

# **EXHIBIT “A”**

## CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA  
☒ EEOC

310A-01863

Texas Commission on Human Rights and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mr. Clifford R. Brown

(940) 763-0049

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

1025 Marconi Street, Wichita Falls, TX 76301

01/05/1961

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE,  
 STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

North Central Tires

Cat A (15-100)

(940) 767-8212

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

5011 Jackbro Hwy., Wichita Falls, TX 76305

485

NAME

TELEPHONE NUMBER (Include Area Code)

American Staff Resources

(800) 872-5627

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

2100 McKinney Suite 1700 Dallas, Texas 75201

113

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE  
 EARLIEST LATEST

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

12/19/2001 12/19/2001  
☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I: PERSONAL HARM:

On 12-09-02, I was terminated from my employment as Assistant Service Manager, because I asked for a raise.

Blacks are treated differently than non-Blacks in that they are terminated without given three write ups, whenever non-Blacks are trained, they are given raises to bring their salary up to the levels of Blacks. Also, I have been accused of stealing tires by Rick Stone.

I have also been subjected to racial slurs during my employment by Rick Stone and Bobby LNU. Rick Stone, always told me to turn down my Jungle Music. I worked in a shop where there were a hanging man noose. When I removed the hanging man noose and threw it in the trash, I was approached by Bobby LNU, and he questioned me to where was his hanging rope.

II: RESPONDENT REASON FOR ADVERSE ACTION:

No reason given.

III: DISCRIMINATION STATEMENT:

\*\* Text is Continued on Attached Sheet(s) \*\*

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (Month, day and year)

D 000024

Apr 22 16:20 2002 CP Initials X Chg # , Attachment Page 1  
4/25/02

-----  
Equal Employment Opportunity Commission  
Form 5 - Charge of Discrimination, Additional Text  
-----

I believe I have been discriminated against because of my  
race-Black, in violation of Title VII of the Civil Rights  
Act of 1964, as amended.

# **EXHIBIT “B”**

<b>CHARGE OF DISCRIMINATION</b>		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER <i>Amended</i> 310A201863
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
<u>Texas Commission on Human Rights</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) <u>Mr. Clifford R. Brown</u>		HOME TELEPHONE (Include Area Code) <u>(940) 763-0049</u>	
STREET ADDRESS <u>1025 Marconi Street, Wichita Falls, TX 76301</u>		CITY, STATE AND ZIP CODE <u>TX 76301</u>	
DATE OF BIRTH <u>01/05/1961</u>		NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)	
NAME <u>North Central Tires</u>		NUMBER OF EMPLOYEES, MEMBERS <u>Cat A (15-100)</u>	
STREET ADDRESS <u>5011 Jacksboro Hwy., Wichita Falls, TX 76305</u>		TELEPHONE (Include Area Code) <u>(940) 767-8212</u>	
CITY, STATE AND ZIP CODE <u>TX 76305</u>		COUNTY <u>485</u>	
NAME <u>American Staff Resources</u>		TELEPHONE NUMBER (Include Area Code) <u>(800) 872-5627</u>	
STREET ADDRESS <u>2100 McKinney Suite 1700 Dallas, Texas 75201</u>		CITY, STATE AND ZIP CODE <u>TX 75201</u>	
COUNTY <u>113</u>		CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> RETALIATION		<input type="checkbox"/> COLOR <input type="checkbox"/> AGE	
<input type="checkbox"/> SEX <input type="checkbox"/> DISABILITY		<input type="checkbox"/> RELIGION <input type="checkbox"/> OTHER (Specify)	
<input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> OTHER (Specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST <u>04/11/2001</u> LATEST <u>12/19/2001</u> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): I: <b>PERSONAL HARM:</b>  On 12-09-02, I was terminated from my employment as Assistant Service Manager, because I asked for a raise.  Blacks are treated differently than non-Blacks in that they are terminated without given three write ups, whenever non-Blacks are trained, they are given raises to bring their salary up to the levels of Blacks. Also, I have been accused of stealing tires by Rick Stone. The above occurred from April 11, 2001, until I was terminated.  I have also been subjected to racial slurs during my employment by Rick Stone and Bobby LNU. Rick Stone, always told me to turn down my Jungle Music. I worked in a shop where there was a hanging man noose. When I removed the hanging man noose and threw it in the trash, I was approached by Bobby LNU, and he questioned me to where was his hanging rope. The above occurred from April 11, 2001, until I was fired.			
II: <b>RESPONDENT REASON FOR ADVERSE ACTION:</b>  No reason given.			
** Text is Continued on Attached Sheet(s) **			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <u>5-15-02</u> Charging Party (Signature) <i>[Signature]</i>		SIGNATURE OF COMPLAINANT <i>[Signature]</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)	

Jun 5 14:28 2002 CP Initials CLB Chg # 310A201863, Attachment Page 1

-----  
Equal Employment Opportunity Commission  
Form 5 - Charge of Discrimination, Additional Text  
-----

III: DISCRIMINATION STATEMENT:

I believe I have been discriminated against because of my  
race-Black, in violation of Title VII of the Civil Rights  
Act of 1964, as amended.

# **EXHIBIT “C”**



**DISMISSAL AND NOTICE OF RIGHTS**

To: Clifford R. Brown  
1025 Marconi Street  
Wichita Falls, TX 76301

From: U.S. Equal Employment Opportunity Commission  
Dallas District Office  
207 S. Houston Street, 3<sup>rd</sup> Floor  
Dallas, Texas 75202-4726

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

Charge No.	EEOC Representative	Telephone No.
310 A2 01863	Shelia Justice, Investigator	(214) 655-3391

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) \_\_\_\_\_

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

*Shelia Justice*  
Shelia Justice

Janel V. Elizondo

Acting District Director

*09/09/02*  
(Date Mailed)

Enclosure(s)

cc: Don Peterson, Owner  
North Central Tires  
P.O. Drawer 400  
Loving, TX 76460

Kerwin B. Stephens, Attorney  
Stephens & Myers, L.L.P.  
515 Fourth Street  
Graham, TX 76450



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you *receive* this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 -- *not* 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

**ATTORNEY REPRESENTATION -- Title VII and the ADA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

# **EXHIBIT “D”**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Dallas District Office**

**D 000094**  
207 S. Houston Street, 3<sup>rd</sup> Floor  
Dallas, TX 75202-4726  
(214) 655-3355  
TTY (214) 655-3363  
FAX (214) 655-3443

Mr. Clifford Brown  
1025 Marconi Street  
Wichita Falls, Texas 76301

**CHARGING PARTY**

Mr. Don Peterson, Owner  
North Central Tires  
P.O. Drawer 400  
Irving, Texas 76460

**RESPONDENT**

**NOTICE OF RECONSIDERATION**

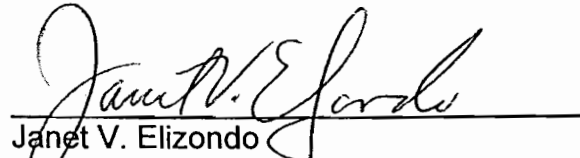
This is to serve notice to the parties involved that I have reconsidered my determination concerning this charge, Number 310 A2 01863. I do this under Commission Regulation 29 CFR 1601.21 (d) (1).

A Notice of Right to Sue was issued for this charge on September 9, 2002, in error. This charge is hereby re-opened and both parties are hereby notified that this charge is re-opened for further Commission processing with respect to the hostile environment issue. The Notice of Right to Sue is rescinded.

**ON BEHALF OF THE COMMISSION:**

OCT 08 2002

Date

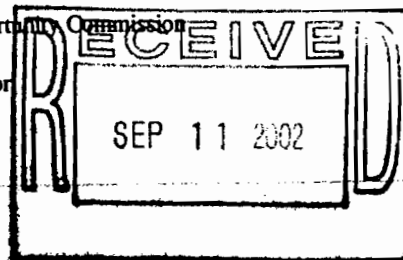
  
Janet V. Elizondo  
Acting District Director

cc: Mr. Kerwin B. Stephens  
Attorney at Law  
Stephens & Myers, L.L.P.  
515 Fourth Street  
Graham, Texas 76450

## DISMISSAL AND NOTICE OF RIGHTS

To: Clifford R. Brown  
1025 Marconi Street  
Wichita Falls, TX 76301

From: U.S. Equal Employment Opportunity Commission  
Dallas District Office  
207 S. Houston Street, 3<sup>rd</sup> Floor  
Dallas, Texas 75202-4726



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
310 A2 01863	Shelia Justice, Investigator	(214) 655-3391

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) \_\_\_\_\_

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Under the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Janet V. Elizondo

Acting District Director

09/09/02  
(Date Mailed)

Enclosure(s)

cc: Don Peterson, Owner  
North Central Tires  
P.O. Drawer 400  
Loving, TX 76460

Kerwin B. Stephens, Attorney  
Stephens & Myers, L.L.P.  
515 Fourth Street  
Graham, TX 76450



0 000096

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you *receive* this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 -- not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

**ATTORNEY REPRESENTATION -- Title VII and the ADA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

# **EXHIBIT “E”**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Dallas District Office**

207 S. Houston, 3rd Floor  
Dallas, Texas 75007  
PH: (214) 655-3323  
TDD: (214) 655-3363  
FAX: (214) 655-3443

Charge No: 310 A2 01863

Clifford R. Brown  
1025 Marconi Street  
Wichita Falls, TX 76301

**CHARGING PARTY**

North Central Tires  
5011 Jacksboro Hwy  
Wichita Falls, TX 76305  
Attn: Don Peterson, President

**RESPONDENTS**

American Staff Resources  
2100 McKinney Ste. 1700  
Dallas, TX 75201

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that he was subjected to a hostile work environment by being subjected to a hangman noose and racial slurs. Charging Party alleged that he was accused of stealing tires; and was terminated because of his race, Black. Charging Party also alleged that after non-Black employees are trained, they receive raises to bring their salary up to the levels of Black employees.

There was no evidence found during the investigation to show that Black employees were not receiving raises after being trained. Respondent denies accusing Charging Party of stealing tires. Testimonial evidence reveals that Respondent had accused non-Black employees of stealing tires.

The evidence shows that Charging Party's employment was terminated for insubordination, due to Charging Party's refusal to perform a job duty and his continual arguing and disagreeing with pay and job responsibilities.

The Commission has concluded that, based on the evidence presented, there is insufficient basis on which to proceed with the investigation on the issues of Charging Party being accused of stealing tires and being terminated. Also, the Commission has concluded that, based on the evidence presented, there is insufficient basis on which to proceed with the investigation on the



**LETTER OF DETERMINATION  
EEOC CHARGE NO. 310 A2 01863  
PAGE 2**

issue regarding non-Black employees receiving raises to bring their salary up to the levels of Black employees. These issues are therefore being dismissed.

There was no evidence to show that Charging Party reported the hostile work environment to Respondent's official from American Staff Resources. Therefore, the Commission has concluded that there is insufficient evidence to show that American Staff Resources violated Title VII of the Civil Rights Act of 1964, as amended.

This determination and dismissal concludes the processing of the above issues. This letter will be the only notice of dismissal and the only notice of the Charging Party's right to sue sent by the Commission. FOLLOWING DISMISSAL, THE CHARGING PARTY MAY ONLY PURSUE THIS MATTER FURTHER BY FILING SUIT AGAINST THE RESPONDENT(S) NAMED IN THE CHARGE IN FEDERAL DISTRICT COURT WITHIN 90 DAYS OF RECEIPT OF THIS LETTER. Therefore, if a suit is not filed within this 90 day period, the Charging Party's right to sue will be lost.

Testimonial evidence reveals that Respondent's official from North Central Tires referred to the music Charging Party was listening to as "jungle music". Further evidence shows that Respondent, North Central Tires allowed a hangman noose to hang in the work place which created a hostile work environment.

There is reasonable cause to believe that Respondent, North Central Tires violated Title VII due to the fact that Respondent, North Central Tires failed to maintain a working environment free from racial harassment (racial slur and hangman noose). Immediate and corrective action should have been taken when Respondent's official from North Central Tires first became aware of the racial slur and hangman noose.

I have considered all the evidence disclosed during the investigation and find that there is reasonable cause to believe that there is a violation of Title VII of the Civil Rights Act of 1964, as amended.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. A copy of the proposed Conciliation Agreement is enclosed.

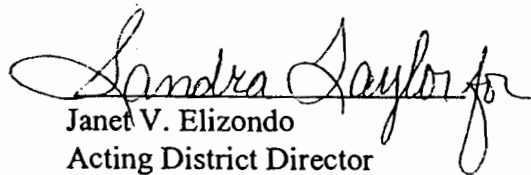
000087

**LETTER OF DETERMINATION**  
**EEOC CHARGE NO. 310 A2 01863**  
**PAGE 3**

If the Respondent, North Central Tires declines to discuss settlement or if, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

On behalf of the Commission:

04/21/03  
Date

  
Janet V. Elizondo  
Acting District Director

cc: Kerwin B. Stephens, Attorney  
Stephens & Myers, L.L.P.  
515 Fourth Street  
Graham, TX 76450

# EXHIBIT “F”

0000076

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE -- TITLE VII / ADA

(Conciliation Failure)

To: Clifford R. Brown  
1025 Marconi Street  
Wichita Fall, TX 76301

From:  
Equal Employment Opportunity Commission  
Dallas District Office  
207 S. Houston Street  
Dallas, Texas 75202-4726



On behalf of a person aggrieved whose identity is *CONFIDENTIAL*.  
(29 C.F.R. 1601.7(a))

## Charge Number

## EEOC Representative

## Telephone Number

310 2002 01863

Shelia Justice, Investigator

214-655-3391

( See the additional information attached to this form )

The Commission has found reasonable cause to believe that your charge of employment discrimination is true but has not entered into a conciliation agreement to which you are a party because attempts to achieve such a voluntary settlement with respondent(s) have been unsuccessful.

The Commission has determined that it will not bring a civil action against the respondent(s) and accordingly is issuing this Notice of Right to Sue. With the issuance of this Notice the Commission terminates its process with respect to your charge, except that the Commission may seek status as intervenor if you decide to sue on your own behalf as described below.

If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in United States District Court. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM YOUR RECEIPT OF THIS NOTICE OF RIGHT TO SUE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

Your suit may include any allegation contained in your charge of employment discrimination or any matter which was or should have been discovered by the Commission during its investigation of your charge.

I certify that this notice was mailed on the date set out below.

July 1, 2003  
(Date Mailed)

On Behalf of the Commission

Janet V. Elizondo, Acting District Director

## Enclosures

Information sheet  
Copy of Charge

cc: Respondent(s)